



WHITE SETTLEMENT INDEPENDENT SCHOOL DISTRICT

401 South Cherry Lane
White Settlement, Texas 76108
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July 14, 2004

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: **APPEAL OF FCDL DENIAL – JUNE 8, 2004**
Form 471 Application No.: 423543
Funding Year 2004: 07/01/2004 – 06/30/2005
Billed Entity No.: 140890
Billed Entity Name: White Settlement Independent School District
Funding Request Number: 1169376

This is an appeal of the SLD's Denial of funding on June 8, 2004 for White Settlement Independent School District ("WSISD").

I. "SERVICES ORDERED" WAS INCORRECTLY CHANGED BY PIA

The Schools and Libraries Division denied funding of FRN 1169376 of WSISD, stating its reason for denial: "The category of service was changed from Telecom to Internet Access in accordance with program rules. The 470 cited did not include service of this type; therefore it does not meet the 28 day competitive bidding requirement."

We changed the designation in our Form 471 from "Telecommunications Service" to "Internet Access" solely because the Program Integrity Audit (PIA) representative urged us to. The fact is our wireless Wide Area Network (WAN) qualifies as either a "Telecommunications Service" or "Internet Access" because it is not used solely for access to the Internet.¹ Our wireless WAN is also used for non-Internet software applications to communicate from site to site. We nonetheless complied with the instructions from the PIA for fear of offending anyone and having our application for funding be denied. Then, because we made the PIA's requested change even though we considered it unnecessary and unjustified, the SLD denied our application because of that very change. Needless to say, we feel we were unfairly denied based solely on actions recommended by the PIA. If we had left our application alone and ignored the PIA's instruction to change it, we would not have been denied.

For this reason, we respectfully request that the SLD change the "Services Ordered" entry back to "Telecommunications Service" as we originally requested, and then accordingly reverse its denial of funding and reinstate the requested funding for the FRN in question.

¹ See Eligible Services List of the Schools and Libraries Support Mechanism, October 10, 2003, at page 8 (Wireless Wide Area Network as an Eligible Telecommunications Service) and page 12 (Wide Area Network as an Eligible Internet Access service).

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II. ALTERNATIVE SOLUTION:

CHANGE FORM 470 NUMBER TO LAST YEAR'S (THIS IS A MULTI-YEAR CONTRACT)

If the SLD is not inclined to change the designation of the service to "Telecommunications Service" as we originally filed, then in the alternative, the Form 470 application number referred to in the Form 471 in question should be changed to simply use last year's Form 470 for the identical service, since this is a multi-year contract with the vendor and nothing has changed in this FRN from last year. Last year's Form 471 was approved for funding under Internet Access, and referred to Form 470 number 124670000450555. Since the service is being provided by the same vendor under a multi-year contract (which we said last year had a "Contract Expiration Date of 6/30/2008), if our current Form 471 is simply modified to insert last year's Form 470 number, then the current Form 471 (as modified by the PIA) would fit the Form 470.

If the SLD prefers not to change back the "Services Ordered" section of the Form 471, we request that the Form 470 Application Number referred to in the Form 471 be changed to last year's Form 470, which was Form 470 number 124670000450555, and then accordingly reverse its denial of funding and reinstate the requested funding for the FRN in question.

III. REQUEST FOR REINSTATEMENT OF FUNDING

WSISD respectfully requests the Schools and Libraries Division reverse its denial of the referenced Form 471 Application for funding for the period July 1, 2004 to June 30, 2005 and reinstate the applicable funding.

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By:

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